



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

LONDELL LASHUN ALSTON,
Plaintiff,

vs.

ANDREW W. GALLANT ET AL,
Defendants.

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CIVIL ACTION NO. 0:24-2044-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING THIS CASE WITHOUT PREJUDICE
AND WITHOUT ISSUANCE AND SERVICE OF PROCESS**

Plaintiff Londell Lashun Alston (Alston), a self-represented state pretrial detainee, brings this civil rights action pursuant to 42 U.S.C. § 1983.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending to the Court the complaint be dismissed without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on June 7, 2024, and the Clerk of Court entered Alston's objections on June 14, 2024. The Court has reviewed the objections, but holds them to be without merit. It will therefore enter judgment accordingly.

The Magistrate Judge suggests this case is duplicative of Alston's previous case, *Alston v. Rock Hill Police Department*, C/A No. 0:23-4300-MGL-PJG. Accordingly, she recommends it should be dismissed. In Alston's objections, he fails to address this issue.

It is well established "district courts may dismiss duplicative complaints[.]" *Aziz v. Burrows*, 976 F.2d 1158, 1158 (8th Cir. 1992). Consequently, inasmuch as it appears the Magistrate Judge is correct that this case is duplicative of Alston's earlier case, and Alston fails to argue otherwise, the Court will dismiss this case as duplicative.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court this complaint is **DISMISSED WITHOUT PREJUDICE** and without issuance and service of process.

IT IS SO ORDERED.

Signed this 24th day of June, 2024, in Columbia, South Carolina.

/s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Alston is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.